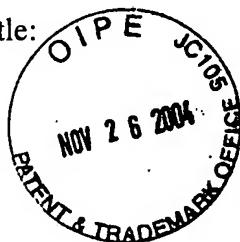


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, John F. Cvinar and John C. Meade  
Application No.: 10/811,293 Group Art Unit: 3763  
Filed: March 26, 2004 Examiner: Not assigned  
Confirmation No.: 8260  
Title: ANTI-OBESITY DEVICES



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>11/23/04</u> Date	<u>Therese A. Norcett</u> Signature
<u>Margaret A. Norcett</u> Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

☒ Enclosed herewith is form PTO-1449:

☒ Copies of the cited references are enclosed.

☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.

☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

☒ The "concise explanation" requirement (non-English references) for references AN, AO and AQ2 under 37 CFR 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet.

☐ the explanation provided in the Specification.

☐ submission of the enclosed International Search Report.

☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

☒ the enclosed English language abstracts.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
 \_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
 \_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

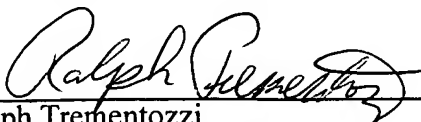
It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
 Ralph Tremontozzi  
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Dated: *Nov. 19, 2004*

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.  
2814.2008-001APPLICATION NO.  
10/811,293INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

November 19, 2004

(Use several sheets if necessary)

FIRST NAMED INVENTOR  
Andy H. LevineFILING DATE  
March 26, 2004EXAMINER  
Not assignedCONFIRMATION NO.  
8260GROUP  
3763

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	1,899,781	02/28/1933	Twiss
	AB	2,464,933	03/22/1949	Kaslow
	AC	3,780,740	12/25/1973	Rhea
	AD	4,133,315	01/09/1979	Berman et al.
	AE	4,134,405	01/16/1979	Smit
	AF	4,270,542	06/02/1981	Plumley
	AG	4,279,251	06/21/1981	Rüsch
	AH	4,315,509	02/16/1982	Smit
	AI	4,403,604	09/13/1983	Wilkinson et al.
	AJ	4,416,267	11/22/1983	Garren et al.
	AK	4,501,264	02/26/1985	Rockey
	AA2	4,580,568	04/08/1986	Gianturco
	AB2	4,607,618	08/26/1986	Angelchik
	AC2	4,641,653	02/10/1987	Rockey
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	AF2	4,823,808	04/25/1989	Clegg et al.
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	AH2	5,035,706	07/30/1991	Gianturco et al.
	AI2	5,037,387	08/06/1991	Quinn et al.
	AJ2	5,041,126	08/20/1991	Gianturco
	AK2	5,057,091	10/15/1991	Andersen
	AA3	5,152,756	10/06/1992	Quinn et al.
	AB3	5,236,423	08/17/1993	Mix et al.
	AC3	5,246,456	09/21/1993	Wilkinson
	AD3	5,279,553	01/18/1994	Winkler et al.

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>November 19, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2814.2008-001		APPLICATION NO. 10/811,293	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
	EXAMINER Not assigned		CONFIRMATION NO. 8260	GROUP 3763

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EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AE3	5,282,824	02/01/1994	Gianturco
	AF3	5,306,300	04/26/1994	Berry
	AG3	5,314,444	05/24/1994	Gianturco
	AH3	5,314,472	05/24/1994	Fontaine
	AI3	5,314,473	05/24/1994	Godin
	AJ3	5,318,530	06/07/1994	Nelson, Jr.
	AK3	5,364,353	11/15/1994	Corfitsen et al.
	AA4	5,387,235	02/07/1995	Chuter
	AB4	5,401,241	03/28/1995	Delany
	AC4	5,443,498	08/22/1995	Fontaine
	AD4	5,456,713	10/10/1995	Chuter
	AE4	5,507,767	04/16/1996	Maeda et al.
	AF4	5,507,771	04/16/1996	Gianturco
	AG4	5,562,697	10/08/1996	Christiansen
	AH4	5,569,219	10/29/1996	Hakki et al.
	AI4	5,611,787	03/18/1997	Demeter et al.
	AJ4	5,624,430	04/29/1997	Eton et al.
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	AC5	5,693,084	12/02/1997	Chuter
	AD5	5,715,832	02/10/1998	Koblish et al.
	AE5	5,720,776	02/24/1998	Chuter et al.
	AF5	5,755,777	05/26/1998	Chuter
	AG5	5,800,456	09/01/1998	Maeda et al.
	AH5	5,800,526	09/01/1998	Anderson et al.

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>November 19, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2814.2008-001		APPLICATION NO. 10/811,293	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
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	AI5	5,820,584	10/13/1998	Crabb
	AJ5	5,843,164	12/01/1998	Frantzen et al.
	AK5	5,876,445	03/02/1999	Andersen et al.
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	AF6	6,331,190 B1	12/18/2001	Shokoohi et al.
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	AI6	6,450,989 B2	09/17/2002	Dubrul et al.
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	AK6	6,508,833 B2	01/21/2003	Pavcnik et al.
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	AC7	6,530,951 B1	03/11/2003	Bates et al.
	AD7	6,537,247 B2	03/25/2003	Shannon
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	AH7	6,589,213 B2	07/08/2003	Reydel
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	AK7	6,675,809 B2	01/13/2004	Stack et al.
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<b>PTO-1449 REPRODUCED</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>November 19, 2004</b>  (Use several sheets if necessary)	<b>ATTORNEY DOCKET NO.</b> 2814.2008-001		<b>APPLICATION NO.</b> 10/811,293	
	<b>FIRST NAMED INVENTOR</b> Andy H. Levine		<b>FILING DATE</b> March 26, 2004	
	<b>EXAMINER</b> Not assigned		<b>CONFIRMATION NO.</b> 8260	<b>GROUP</b> 3763

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
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	AG8	2002/0151953 A1	10/01/2002	Chobotov et al.
	AH8	2002/0183768 A1	12/05/2002	Deem et al.
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	AJ8	2002/0040804 A1	02/27/2003	Stack et al.
	AK8	2003/0040808 A1	02/27/2003	Stack et al.
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	AB9	2003/0109892 A1	06/12/2003	Deem et al.
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	AD9	2003/0109935 A1	06/12/2003	Geitz
	AE9	2003/0120265 A1	06/26/2003	Deem et al.
	AF9	2003/0149467 A1	08/01/2003	Linder et al.
	AG9	2003/0191476 A1	10/09/2003	Smit
	AH9	2003/0199989 A1	10/23/2003	Stack et al.
	AI9	2003/0199990 A1	10/23/2003	Stack et al.
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	AA10	2003/0208260 A1	11/01/2003	Lau et al.
	AB10	2003/0233140 A1	12/18/2003	Hartley et al.
	AC10	2004/0024386 A1	02/05/2004	Deem et al.
	AD10	2004/0044357 A1	03/04/2004	Gannoe et al.
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	AF10	2004/0098079 A1	05/20/04	Hartley et al.

EXAMINER	DATE CONSIDERED
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<b>PTO-1449 REPRODUCED</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>November 19, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2814.2008-001		APPLICATION NO. 10/811,293	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
	EXAMINER Not assigned		CONFIRMATION NO. 8260	GROUP 3763

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	AG10	2004/0117031 A1	06/17/2004	Stack et al.
	AH10	2004/0122452 A1	06/24/2004	Deem et al.
	AI10	2004/0122453 A1	06/24/2004	Deem et al.
	AJ10	2004/0133147 A1	07/08/2004	Woo
	AK10	2004/0136971 A1	07/15/2004	Scharp et al.
	AA11	2004/0138525 A1	07/15/2004	Saadat et al.
	AB11	2004/0138529 A1	07/15/2004	Wiltshire et al.
	AC11	2004/0138760 A1	07/15/2004	Schurr
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	AG11	2004/0153167 A1	08/05/2004	Stack et al.
	AH11	2004/0158331 A1	08/12/2004	Stack et al.
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	AA12	2004/0172142 A1	09/02/2004	Stack et al.
	AB12	2004/0172143 A1	09/02/2004	Geitz
	AC12	6,027,508	02/22/2000	Ren et al.
	AD12	2002/0091439 A1	07/11/2002	Baker et al.
	AE12	2004/0107004 A1	06/03/2004	Levine et al.

EXAMINER	DATE CONSIDERED
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	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
	EXAMINER Not assigned		CONFIRMATION NO. 8260	GROUP 3763

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO
	AL	EP 0278937 B1	10/06/1993	Bengmark	
	AM	EP 0754017 B1	01/22/1997	Scimed Life Systems, Inc.	
	AN	EP 0843538 B1	05/27/1998	Fourere	X
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	AP	WO 00/12027	03/09/2000	Endonetics, Inc.	
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	AM2	WO 02/096327 A2	12/05/2002	Satiety, Inc.	
	AN2	WO 03/017882 A2	03/06/2003	Synecor, LLC	
	A02	WO 03/086246 A1	10/23/2003	Barosense, Inc.	
	AP2	WO 03/086247 A1	10/23/2003	Barosense, Inc.	
	AQ2	WO 03/086360 A1	10/23/2003	Beisel	X
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	AM3	WO 2004/064680 A1	08/05/2004	Barosense, Inc.	
	AN3	WO 2004/064685 A1	08/05/2004	Barosense, Inc.	
	AO3	WO 2004/069331 A2	08/19/2004	Enteromedics, Inc.	
	AP3	WO 2004/069332 A1	08/19/2004	Enteromedics, Inc.	
	AQ3	WO 00/32137	06/08/2000	Wilson-Cook Medical, Inc.	
	AL4	EP 0 480 667 B1	04/15/1992	Cook Incorporated	
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	AN4	WO 2004/049982 A2	06/17/2004	GI Dynamics, Inc.	

EXAMINER

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	EXAMINER Not assigned		CONFIRMATION NO. 8260	GROUP 3763

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AR	Yates III, M. R.; et al., "Palliation of Malignant Gastric and Small Intestinal Strictures With Self-Expandable Metal Stents," <i>Endoscopy</i> 30:266-272 (1998).
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AT	Binkert, C. A., et al., "Benign and Malignant Stenoses of the Stomach and Duodenum: Treatment with Self-expanding Metallic Endoprostheses," <i>Radiology</i> 199(2):335-338 (1996).
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AV	Dolan, K. et al., "Treating Diabetes in the Morbidly Obese by Laproscopic Gastric Band," <i>Obesity Surgery</i> , Vol. 13, pp. 439-443 (2003).
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AU2	
AV2	

EXAMINER	DATE CONSIDERED
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